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# "Clean Water Act Reauthorization", Association of Metropolitan Sewerage Agencies

Max S. Baucus

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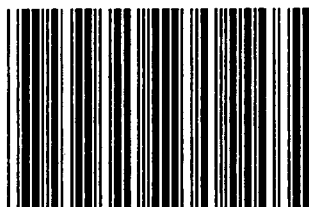
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(2) Subject\* **Clean Water Act Reauthorization**

DOCUMENT DATE\*: **09/24/1991**

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\* "required information"



BAUCUS

STATEMENT OF  
SENATOR MAX BAUCUS  
CLEAN WATER ACT REAUTHORIZATION  
ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES  
SEPTEMBER 24, 1991

It is a real pleasure to be here this morning. You, and the organizations you represent, are in the front lines of the battle against water pollution.

Your contributions to the quality of our rivers, lakes, and coastal waters have been substantial. And all too often, unrecognized by many. Let me not make that mistake today.

Let me also express my appreciation to AMSA, its Executive Director Ken Kirk, and its staff and members for the sincere and constructive attitude with which you have approached our hearings and meetings with my staff. I hope we can continue to work together.

As I look out on this audience of water pollution control professionals, I am reminded how much the fight for clean water is a cooperative effort to improve the quality of our environment and the quality of our life. Not just for ourselves, but for our children and their children.

Every so often, we can lose sight of this worthy purpose among the section numbers, the citations, and the acronyms. When we do, it is important to step back, and remind ourselves what this effort is really all about.

Many of you will recall when the battle for clean water began in earnest almost twenty years ago as Congress passed the forward looking legislation we call the Clean Water Act.

The Clean Water Act of 1972 was a landmark achievement. It put us on a course toward fishable and swimmable waters at a time when one river was reknown as a fire hazard, and others hadn't seen a fish in a generation.

There are some who think we fought the battle for clean water and, somewhere along the line, pollution surrendered and we won. It is true we have made outstanding progress in cleaning up major water pollution problems.

We have both more and substantially improved treatment of municipal sewage.

We have imposed significant controls over the discharge of toxic and other pollutants from industrial facilities.

And we have demonstrated our commitment to address critical water pollution problems in specific areas, such as the Chesapeake Bay.

We can be proud of these accomplishments. But the promise of the original Clean Water Act is still unfulfilled, and the battle for clean water is far from won.

In 1972, we set goals to assure fishable and swimmable waters throughout the Nation by 1983 and to eliminate the discharge of pollutants by 1985.

Today, 30% of all assessed river and stream miles fail to fully attain designated water quality.

Twenty-five percent of our lakes are currently impaired, and an additional 20% are threatened by pollution.

Twenty-nine percent of assessed estuaries do not meet the uses designated for them by the states.

In the Great Lakes, one of this country's natural treasures, only 8% of the shoreline fully meets its designated water quality.

It is time to rededicate ourselves to the original goals of the Clean Water Act and to address the new and emerging threats to water quality before they overwhelm us.

By the twentieth anniversary of the Clean Water Act in October 1992, I hope Congress will have passed and the President will have signed legislation to strengthen our ability to restore and protect the quality of our rivers, lakes, and coastal waters.

I introduced legislation to reauthorize the Clean Water Act with Senator Chafee in May of this year.

In reviewing the implementation of our national water quality program, we concluded that the foundation and basic structure of the program, first established in 1972, are still sound.

The Act provides for the development of national minimum, "technology-based controls" over industrial and municipal point sources of pollution. Where these controls are not adequate to attain water quality standards, additional "water quality-based controls" over these discharges are authorized.

While we are convinced that the basic framework of the Clean Water Act is strong, we identified five key areas where improvements are needed. These areas are:

-- water pollution prevention, with special emphasis on

S. 1081 addresses this important goal in several ways.

The bill explicitly requires the Environmental Protection Agency Administrator to consider changes within an industrial facility's processes, rather than just end of the pipe treatment, when establishing national technology-based standards.

The bill also amends the existing discharge permit program by requiring permit applicants to demonstrate they have no alternative to a proposed increase in the toxicity or volume of a discharge.

And the bill clarifies the existing authority of the EPA Administrator to prohibit the discharge of pollutants which are likely to accumulate in the food chain and have long-term and significant environmental impacts.

This is one provision of the current law that has been, shall we say, dormant for too long. S. 1081 will reinvigorate it.

The second general objective we identified is to significantly upgrade research and monitoring. Over the past twenty years we have become too complacent about our understanding of water pollution and ways of controlling it.

Without an adequate scientific <sup>base</sup>, major parts of the water pollution control program will be in jeopardy.

So, the bill expands basic water quality research authorities. For example, authority for grants to demonstrate innovative technology for pollution control is re-established.

That authority lapsed over a decade ago. It is high time we reinstated it, since it is one area that promises to pay long term dividends in making pollution control more efficient.

Funding for research and development is increased in the bill.

Water quality monitoring data is another essential component of an effective water quality program. Our bill expands State water quality monitoring programs and coordinates Federal programs. It also provides new authority for expanded monitoring by dischargers.

Much of our progress in water pollution control in the past twenty years has been accomplished through technology-based controls. It is clear to me that in the next twenty years, continued pollution reduction will require an expanded water quality criteria and standards program.

The bill provides for the development of additional criteria for toxic pollutants in water. New authority for sediment quality

criteria and standards is also provided. And the process for adopting enforceable water quality standards is clarified, and Federal oversight responsibilities are expanded.

The third objective of the bill is to build on the progress made in the 1987 amendments for control of toxic pollutants.

Continued progress in toxic pollution control is essential to meeting water quality goals. In addition to expanded water quality standards for toxics, the bill proposes several new toxic control initiatives.

The bill gives new authority for developing effluent guidelines for industrial dischargers. EPA would be required to conduct faster review and revision of existing guidelines and develop guidelines for new industries. And, in a provision that is becoming more common, new authority is provided for fees to cover the costs of guideline development.

The bill also expands the program for pretreatment of industrial discharges to publicly owned treatment works. Authority for development of national pretreatment standards is expanded and controls over indirect discharges not covered by national standards are clarified.

In addition, a new program for control of non-industrial sources of toxics to sewage systems is provided. Large municipalities would have the authority to select several non-industrial sources of toxics for control within their service area.

A fourth objective of the bill is to improve compliance with the requirements of the Act and enforcement in the case of non-compliance.

There is clear evidence of substantial non-compliance with water discharge permits. The testimony on this issue at our hearing in July was eye-opening. The General Accounting Office testified, and I quote,

"There has been widespread and continuing non-compliance with the Clean Water Act...and...a lack of strong, consistent enforcement against violators is a major reason for this continuing noncompliance..."

To address the non-compliance problem, the bill provides new authority for audits of industrial facilities to determine compliance with discharge permits. In addition, the bill includes a new initiative to assure training and certification of the proficiency of wastewater treatment plant operators.

On the enforcement side, a series of amendments are included in the bill. For instance, the authority for citizen suits is

expanded. New requirements for public notification of water quality problems are established. And the existing authority for the EPA Administrator to take emergency action is clarified.

Our final major objective in developing the clean water bill was to provide a funding plan for water pollution control over the coming six years which is consistent with the budget agreement reached last year between Congress and the Administration.

A key element of the plan in the bill is adjustment of funding for State revolving loan funds to assure capitalization of these funds at the \$18 billion level approved in the 1987 amendments. This funding is essential to continued progress in sewage treatment.

In addition, the bill provides substantial increases in funding for nonpoint pollution control grants to States, new grant authority for control of combined sewer overflows, and financial assistance for construction of environmental facilities in small communities.

The bill also provides for substantial increases in grants to State water quality programs. These grant increases are supplemented by a new requirement for States to charge fees for issuance of discharge permits.

In addition, the bill authorizes substantial increases in funding for special projects, such as programs to protect the Great Lakes, Chesapeake Bay, estuaries and rivers of national significance, and related programs.

Let me mention in a little more detail three topics that are of special interest to you -- combined sewer overflows, State revolving loan funds, and nonpoint pollution.

Overflows from combined storm and sanitary sewers are a significant source of water pollution and contribute to the closing of numerous shellfish beds and bathing beaches.

The bill proposes that communities with combined sewers develop plans for overflow control and work to implement the plans over a seven-year period. Control programs would need to assure attainment of water quality standards and, at a minimum, prevent overflows from most, but not all, storms.

The bill also removes any ambiguity that these CSO programs are eligible for loans from State revolving funds. In addition, the bill establishes a new, five-year, \$2.4 billion grant program to support CSO projects.

Perhaps the most difficult and intractable sources of water pollution are diffuse and not traceable to a pipe or outfall.

These nonpoint sources are associated with urban runoff, construction activities, agriculture, forestry, and related activities. The EPA estimates that nonpoint sources cause half the remaining water quality problems in the country.

Failure to control pollution from these nonpoint sources often results in greater treatment requirements for sewage treatment plants.

Our bill builds on the existing nonpoint control program in section 319 of the Clean Water Act. Funding for State nonpoint control programs is expanded substantially and EPA is directed to define minimum elements of approvable State programs.

Other amendments to the bill would allow point sources to participate in nonpoint pollution control. This could include management of nonpoint sources on Federal land, targetting of agriculture assistance programs to water quality problem areas, better management of commercial fertilizers, and funding of the rural clean water program.

Since the introduction of the reauthorization bill in May, I have chaired half a dozen hearings on clean water issues. We are now reviewing testimony and revising the bill. I will be making final decisions on the major issues over the next several weeks.

In addition, a number of bills related to the Clean Water Act have been introduced in the Senate. These bills address coastal protection, water conservation, state certification of Federal projects, protection of lakes, expansion of programs for control of pollution to Chesapeake bay and the Great Lakes and financial assistance for construction of environmental facilities in small communities.

I plan to develop a revised bill that will include refinements to S. 1081 and key provisions of related legislation. I hope to mark up this legislation as soon as possible -- either this Fall or early next year, depending on what the Senate's schedule will allow.

Before I close, let me again thank you for the advice that many of you in this room have provided in the development of this bill. I look forward to continuing to work with you to develop the best possible legislation to restore and protect the quality of the rivers, lakes and coastal waters throughout the Nation.

Thank you.